



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2025

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**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 2138 of 2023
and
CMP No. 18217 of 2023**

M.Mohammed Rafi

Appellant(s)

Vs

1.The Inspector General of
Registration
Santhome High Road, Chennai-
600028.

2.The District Registrar
District Registration Office,
Madurai South, 171, Palace Road,
Madurai-625001.

3.The Sub Registrar
Joint-I, South,
Madurai South Registration Office,
171, Palace Road,
Madurai-625001.



4.T.Navaneethan

WEB COPY 5.N.Indumathi

[R4 and R5 are impleaded as per order
dated 17.09.2025 made in CMP
Nos.7948 & 7950 of 2020 in WA
No.2138 of 2023]

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the Order
dated 22.01.2019 passed in WP.No.5989 of 2011 on the file of this Court.

For Appellant(s): Mr.S.Subbiah
Senior Counsel For Mr.P.Raja

For Respondent(s): Mr.S.Senthil Murugan
Special Government Pleader
For R1 to R3
Mr.J.Barathan
For R4 & R5



J U D G M E N T

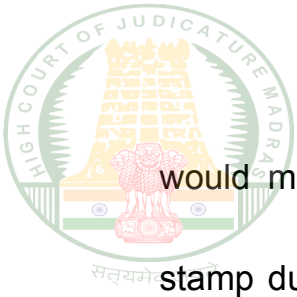
(Judgment was delivered by S.M.Subramaniam J.)

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The writ order dated 22.01.2019 passed in W.P.No.5985 of 2011 is under challenge in the present Intra-Court Appeal instituted by the writ petitioner.

2. The land and building bearing Door No.12-C, Rukmanipalayam, 2nd Street, Madurai City is the subject property. A Sale Deed was executed on 25.02.1992 between the son and mother and it was registered on the file of the Sub Registrar, Parasala, Thiruvananthapuram District, State of Kerala. Subsequently, to validate the said document in the State of Tamil Nadu, the deficit stamp duty has been paid by the legal heirs and necessary endorsement was made by Registration Department in the State of Tamil Nadu. The property was subsequently alienated and the appellant is the purchaser.

3. The learned Senior Counsel appearing on behalf of the appellant

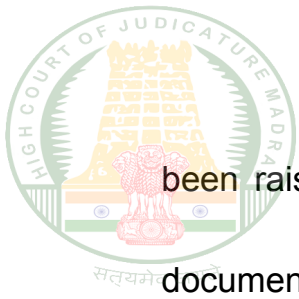


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would mainly contend that the endorsement made by collecting the deficit stamp duty and the entries made in the encumbrance certificate are without jurisdiction under the provisions of the Indian Stamp Act, 1899 and the Registration Act, 1908. Therefore, the writ order is to be set aside.

4. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 would oppose by stating that admittedly the property situated in Madurai city and the sale deed was registered at Parasala, Thiruvananthapuram, Kerala. Therefore, the Registration Department in the State of Tamil Nadu has to necessarily recover the deficit stamp duty for the purpose of validating the document registered outside the State of Tamil Nadu. Thus, there is no infirmity.

5. Admittedly, a civil suit has been instituted in O.S.No.722 of 2010 on the file of the III Additional Subordinate Court, Madurai. The said suit is for declaration, partition and for consequential relief. The validity of the sale deed registered on the file of the Sub Registrar, Parasala, Thiruvananthapuram has



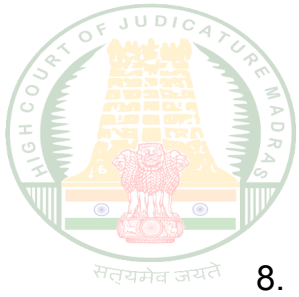
been raised as an issue to be determined by the Trial Court based on the documents and evidences and the legal grounds raised between the parties.

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When a comprehensive civil suit has been instituted, it would be unnecessary for the High Court to give a finding in respect of the validity of the sale deed, which would cause prejudice to the interest of either of the party to establish their respective cases based on the documents and the evidences.

6. The Special Government Pleader's reliance on Sections 19-A and 19-B(4) of the Indian Stamp Act, 1899, require an adjudication by the Civil Court, if necessary by impleading the competent authority of the Registration Department.

7. In view of the above position, this Court is not inclined to interfere with the decision taken by the Writ Court. However, the Competent Civil Court shall adjudicate the issues independently based on the documents and evidences and uninfluenced by the observations made by the Writ Court and this Court on facts and dispose of the suit.



8. With the above observations, the Writ Appeal stands disposed of.

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Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

17-09-2025

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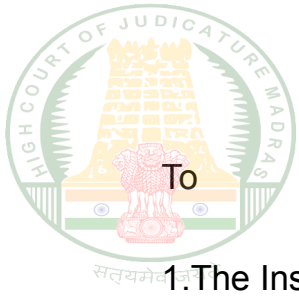
Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Jeni



To

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Registration

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